

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

BARBARA INGBER

Plaintiff,

vs.

NCO FINANCIAL SYSTEMS, INC.

Defendant.

Case Number

08 4499

CIVIL COMPLAINT

JURY TRIAL DEMANDED

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, BARBARA INGBER, by and through his undersigned counsel, Warren & Vullings, LLP, complaining of Defendant, and respectfully aver as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff is an individual consumer and brings this action for actual and statutory damages and other relief against Defendant for violations to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15. U.S.C. § 1692k(d) and 28 U.S.C. §1337.

3. Venue in this District is proper in that the Defendant's principal place of business is here and the Defendant transacts business here.

III. PARTIES

4. Plaintiff, Barbara Ingber, (“Plaintiff”), is an adult individual and citizen of the State of New York, residing at 16 N. Chatsworth Avenue, Larchmont, NY 10538.

5. Defendant, NCO Financial Systems, Inc. (“NCO” or “Defendant”) had, at all times relevant to this complaint, its principal place of business located at 507 Prudential Road, Horsham, PA 19044.

6. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another, in this instance the alleged account was for Bank of America. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

7. In early August, 2008, Plaintiff began receiving calls from 877-860-8157 to her residence at 914-833-7864, several times a day. When Plaintiff was available to answer the calls on several occasion, she received a recorded message from Defendant stating that they will do whatever it takes to recover payment of the alleged debt. The threat contained in the recorded message unnerved and frightened Plaintiff who is 76 years of age and has already undergone heart surgery.

8. On August 26, 2008, Plaintiff spoke with Defendant’s representative “Maria” who was rude, talked over Plaintiff and, ignoring what Plaintiff was trying to say, responded by saying “let me talk”. “Maria” transferred Plaintiff to a supervisor who told her they know she has another credit card and she should use this credit card to pay off the alleged debt they are collecting. Plaintiff indicated that she was unwilling to do

this at which time the manager told her “you have until Friday to accept these terms if you don’t put it on your Capital One or Amex card by Friday, the interest will increase and it will keep climbing. Take it or leave it “

9. Plaintiff has never received any written communication from Defendant.

10. The harassing, intimidating, deceptive and bullying behavior of the Defendant are violations of the FDCPA.

COUNT I

FDCPA VIOLATION 15 U.S.C. § 1692 et seq.

11. The above paragraphs are hereby incorporated herein by reference.

12. Defendant violated the FDCPA. Defendant’s foregoing acts and omissions constitute violations of the FDCPA, including, but not limited to, violations of §§ 1692 , d, d(2), d(5), d(6), e, e(2) e(5), e(10), f, and g.

13. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiffs for a declaratory judgment that Defendant’s conduct violated the FDCPA, actual damages, statutory damages, attorney’s fees and costs and other appropriate relief.

WHEREFORE, Plaintiff respectfully requests that this court enter judgment in its favor and against Defendant and Order the following relief:

- a. Declaratory judgment that the Defendant’s conduct violated the FDCPA;
- b. Actual damages;
- c. Statutory damages pursuant to 15 U.S.C. §1692k;

- d. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k;
and
- e. Such additional and further relief as may be appropriate or that the interests of justice require.

V. JURY DEMAND

Plaintiffs hereby demand a jury trial as to all issues herein.

Respectfully submitted,

WARREN & VULLINGS, LLP

Date: 09/12/2008

BY: /s/ Brent F. Vullings

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